

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO.16986 of 2001

Between:

1. Korlakunta Nageshwara Rao S/o. Subba Rao, 35 years,
R/o. 88 Talluru, Krosuru Mandal,
Guntur District.
2. Attota Kotaiah, S/o. Subba Rao, 26 years, R/o. 88, Talluru, Krosuru
Mandal, Guntur District.

...PETITIONER

AND

- 1 The Revenue Divisional Officer,
Guntur Revenue Division, Guntur.
- 2 The Election Officer Stage I,
88, Talluru Gram Panchayat, Krosuru Mandal,
Guntur District.
- 3 The State Election Commission Rep by its Member
Secretary, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ or order or direction declaring the inaction on the part of the respondent in showing the second petitioner as contestant in the list of contesting candidates for 88 Talluru Gram Panchayat Sarpanch Post thought the 2nd Petitioner had withdrawn from the contest in time, as illegal, unconstitutional and consequently direct the respondents to conduct the elections for the post of Sarpanch of 88 Talluru Gram Panchayat, Krosuru Mandal Guntur District.

Counsel for the Petitioners: MR.K.S.MURTHY

Counsel for the Respondent Nos.1 and 2: ADDL.ADVOCATE GENERAL

Counsel for the Respondent No.3: Mr.V.V.Prabhakara Rao

The Court made the following:

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ORDER:

The petitioners are residents of Talluru Village of Krosuru Mandal in Guntur District. On the eve of Elections to the Gram Panchayat pursuant to the notification, dated 30.07.2001, both the petitioners filed nominations. It is alleged that the second petitioner has withdrawn nomination and submitted Form No.6 in person to the second respondent at 2.30 pm on 08.08.2001 being the last date for withdrawal. However, the name of the second petitioner was also included in the list of valid nominations and the second petitioner was allotted the symbol of "Auto Rickshaw". Aggrieved by the same, the petitioners approached this Court seeking a declaration that the action of the respondents in showing the second petitioner as contestant for the post of Sarpanch is illegal. This Court admitted the Writ Petition, but declined to pass any interim orders. In that view of the matter, the cause of action does not survive.

The writ petition is accordingly dismissed as infructuous.

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(V.V.S.RAO, J)

8th September 2004

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

- 1 The Revenue Divisional Officer,
Guntur Revenue Division, Guntur.
- 2 The Election Officer Stage I,
88, Talluru Gram Panchayat, Krosuru Mandal,
Guntur District.
- 3 The Member Secretary, State Election Commission, Hyderabad.
4. Two CCs to Advocate General, High Court Buildings, Hyderabad (OUT).
5. Two CD copies.